

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928**

**WP(C).No. 18501 of 2003(C)**  
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**PETITIONER:**  
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**J. PRAKASH.C. VADAKKAN,  
S/O. CHACKO, ADVOCATE, VADAKKAN HOUSE,  
ANTHINAD P.O., PALA, KOTTAYAM DISTRICT.**

**BY ADV. SRI.MATHEW JOHN (K)  
SRI.BABY THOMAS  
SRI.SUJESH MENON V.B.**

**RESPONDENTS:**  
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**1. THE SECRETARY, THE BAR COUNCIL OF  
KERALA, BAR COUNCIL BHAVAN,  
HIGH COURT OF KERALA, KOCHI-31.**

**2. THE DIVISIONAL MANAGER, NEW INDIA  
ASSURANCE CO.LTD., SHEAFEER COMPLEX,  
OPP.Y.M.C.A., KANNUR ROAD, CALICUT.**

**BY ADV. SRI.GEORGE KARITHANAM VARGHESE  
SRI.JOSEPH A.VADAKKEL  
SRI.C.I.ABRAHAM  
SRI.JOSE KURIAKOSE (VILANGATTIL)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**KURIAN JOSEPH, J.**

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**W.P(C)No.18501 of 2003**  
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**Dated this the 14<sup>th</sup> day of February, 2007**

**JUDGMENT**

The writ petition is filed with the following prayers:-

- (i) call for the records leading upto Ext.P6 and to issue a writ in the nature of certiorari or any other appropriate writ, direction or order quashing Ext.P6.
- (ii) declare that the petitioner is entitled to the benefit as provided in Ext.P4 policy.
- (iii) issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the 2<sup>nd</sup> respondent to immediately disburse the amount payable pursuant to the claim petition submitted by the petitioner.

The stand taken in the counter affidavit filed on behalf of the second respondent is that the alleged injury suffered by the petitioner does not come under the ambit of coverage. There being thus dispute on the facts since there is Insurance Ombudsman it is for the petitioner to approach the said authority. It is made clear that in the event of such an attempt being made by the petitioner within a period of one month from today, the same shall be treated to have been filed in time.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

W.P(C)NO.18501/2003

JUDGMENT

14<sup>th</sup> February, 2007